

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY

2025 MAY -6 P 3:39

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ERRICA JAMES INDIVIDUALLY AND
ON BEHALF OF HER MINOR
DAUGHTER S.C.,

Plaintiff,

v.

BOARD OF EDUCATION OF THE
FRANKLIN TOWNSHIP PUBLIC
SCHOOLS; JOHN RAVALLY; NICHOLAS
SOLOMON; ROD BRUNDIGE; ORVYL
WILSON; ANTHONY HOLLY; MAKAI
HOWARD; John Does 1-50; Jane Does 1-50,

Defendants

CASE NO.: 3:24-cv-10894-RK-JBD

Civil Action

**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT MAKI
HOWARD TO COUNT SEVEN OF THE COMPLAINT**

ANSWER AND AFFIRMATIVE DEFENSES

Defendant **Maki Howard**, appearing **pro se**, respectfully submits the following
Answer and Affirmative Defenses in response to **Count Seven (Intentional**

Infliction of Emotional Distress) of the Complaint filed by Plaintiff.

*I, Maki Howard deny any and all allegations in the
Complaint that are directed towards me. Maki Howard*

FIRST AFFIRMATIVE DEFENSE

Minor Status at Time of Alleged Conduct

Defendant was a minor at the time of the alleged conduct. As such, he lacked the legal and developmental capacity to fully understand or form the requisite intent to commit the tort of intentional infliction of emotional distress.

SECOND AFFIRMATIVE DEFENSE

Lack of Intent to Harm

Defendant did not act with intent to harass, abuse, or cause emotional distress to the Plaintiff or her minor daughter. The element of specific intent required to support a claim of intentional infliction of emotional distress is not present.

THIRD AFFIRMATIVE DEFENSE

Developmental and Cognitive Immaturity

Due to Defendant's young age and ongoing psychological development at the time, any alleged behavior must be assessed in context of adolescent judgment and emotional immaturity, which precludes the legal standard of willful and wanton misconduct.

FOURTH AFFIRMATIVE DEFENSE

Failure to State a Claim Upon Which Relief Can Be Granted

Plaintiff fails to allege facts that meet the legal threshold for extreme and outrageous conduct under New Jersey law necessary to support a claim for intentional infliction of emotional distress.

FIFTH AFFIRMATIVE DEFENSE

No Proximate Cause or Actual Injury

Plaintiff has not demonstrated that Defendant's alleged conduct was the actual or proximate cause of any emotional injury suffered by S.C. Nor has Plaintiff provided sufficient factual allegations showing substantial or medically documented harm.

SIXTH AFFIRMATIVE DEFENSE

Comparative Fault and Actions of Others

To the extent that third parties or other individuals, platforms, or school officials contributed to the alleged events, Defendant asserts that he should not bear sole or primary responsibility and reserves the right to assert comparative fault based on discovery.

SEVENTH AFFIRMATIVE DEFENSE

Lack of Damages

Plaintiff has not alleged sufficient facts showing that S.C. sustained actual, compensable damages resulting from Defendant's alleged conduct.

RESERVATION OF RIGHTS

Defendant reserves the right to amend, supplement, or withdraw any defense based on future evidence, discovery, or legal developments.

Respectfully submitted,

Dated: May 6, 2025

Maki Howard *Maki Howard*

Pro Se Defendant

287 Nichol Ave.

New Brunswick, NJ 08901

201-687-8792

joriemonroe@yahoo.com

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